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21 *ANDREA THOMAS*

22 **UNITED STATES DISTRICT COURT**
23 **DISTRICT OF NEVADA**

24 ANDREA THOMAS,

25 Plaintiff,

26 vs.

27 SMITH-PALLUCK ASSOCIATES CORP.,
28 d/b/a LAS VEGAS ATHLETIC CLUBS,

Defendant.

Case No. 2:17-cv-02001-MMD-CWH

**STIPULATION AND ORDER TO
EXTEND SCHEDULING ORDER
DEADLINES BY 30 DAYS**

(Fourth Request)

29 Pursuant to LR IA 6-1 and LR 26-4, plaintiff Andrea Thomas ("Plaintiff") and
30 defendant Smith-Palluck Associates Corp., d/b/a Las Vegas Athletic Clubs ("LVAC")
31 (together, the "Parties"), by and through their respective counsel of record, stipulate
32 to modify the Court's Order, ECF No. 32, to extend all remaining discovery and
33 dispositive motion deadlines in the above-captioned case by approximately 30 days.

1 The requested extension will allow the Parties to schedule and complete depositions
2 in this action. The Parties have conferred and agree that this brief extension is the
3 most reasonable, most economical, and least burdensome way to complete discovery
4 in this case.

5 This is the Parties' fourth request for an extension to the scheduling order
6 deadlines. The Parties make this request in good faith and not for purposes of
7 delay.¹

8 **I. Discovery Completed and Remaining**

9 The Parties have diligently pursued discovery. The Parties propounded and
10 responded to written discovery requests, and the Parties served initial expert
11 disclosures. Plaintiff has taken the deposition of LVAC's Rule 30(b)(6) designee and
12 three third-party depositions. LVAC scheduled Plaintiff's deposition for July 18,
13 2018. However, due to illness, Plaintiff was unable to appear for her July 18, 2018
14 deposition and LVAC's counsel will be unavailable to conduct Plaintiff's deposition
15 until August 2018, which is after the current deadline to serve written discovery.
16 The Parties are in the process of conferring regarding certain pending discovery
17 matters, including additional third-party depositions.

18 **II. Good Cause Exists for the Requested Extension**

19 Good cause exists for the requested extension. LVAC timely scheduled
20 Plaintiff's deposition for July 18, 2018. However, due to illness, Plaintiff was
21 unable to appear for her July 18, 2018 deposition and LVAC's counsel will be
22 unavailable to conduct Plaintiff's deposition until August 2018. Good cause exists
23 as Plaintiff's illness was unforeseen and LVAC's counsel are fully committed
24 through July and part of August 2018, necessitating an extension of the current
25 deadlines. The extended time for discovery allows the Parties to efficiently re-
26 schedule party depositions and schedule possible third-party depositions, for dates

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28 ¹ The Parties reserve all rights to seek additional extensions as circumstances may warrant.

1 and times that minimize burdens upon the witnesses and counsel. For these
2 reasons, the Parties believe their request for an extension should be granted.

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1 **III. Proposed Discovery Deadlines**

2 The Parties request an order extending the deadlines for disclosure of
3 rebuttal experts, discovery, dispositive motions, and the pre-trial order. This
4 extension is reasonable and necessary given the good cause set forth above.

5

| Event | Current Deadline ² | New Deadline |
|--------------------------------|-------------------------------|-------------------------------|
| Disclosure of Rebuttal Experts | July 30, 2018 | August 29, 2018 |
| Close of Discovery | August 27, 2018 | September 26, 2018 |
| Dispositive Motions | September 28, 2018 | October 29, 2018 ³ |
| Pre-Trial Order | October 29, 2018 | November 28, 2018 |

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11 **IT IS SO STIPULATED.**

12 Respectfully submitted this 18th day of July, 2018.

13 HAINES & KRIEGER, LLC

BALLARD SPAHR LLP

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20 *Attorneys for Plaintiff*

21 **ORDER**

22 IT IS SO ORDERED:

23 
UNITED STATES MAGISTRATE JUDGE

24 DATED: July 18, 2018

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26
27 ² See ECF No. 32.

28 ³ Thirty days after September 28, 2018, falls on Sunday, October 28, 2018. The deadline is thus advanced to the next judicial day.